

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #: Aug. 30, 2012
DATE FILED:

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MICROSOFT CORPORATION,

Plaintiff,

-v-

DATATERN, INC.,

Defendant.

11 Civ. 2365 (KBF)
11 Civ. 2648 (KBF)

ORDER

----- X
SAP AG and SAP AMERICA, INC.,

Plaintiffs,

-v-

DATATERN, INC.

Defendant.

----- X
KATHERINE B. FORREST, District Judge:

On August 29, 2012, defendant DataTern, Inc., submitted a letter to the Court conceding that it would not be able to prove infringement on the basis of the Court's construction of the contested claims in this action, as set forth in the Opinion and Order of August 24, 2012 (11 Civ. 2648, Dkt. No. 151). In light of this concession, the parties have jointly requested that the Court: (1) vacate the August 29, 2012, deadline for the parties to exchange expert reports, and (2) deem the pending requests

for a discovery conference and for changes to the discovery schedule to be withdrawn as moot.

Accordingly, it is hereby

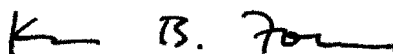
ORDERED that the August 29, 2012, deadline for the parties to exchange expert reports is vacated.

IT IS FURTHER ORDERED that the discovery dispute letters at 11 Civ. 2648, Docket Numbers 138, 139, 140, 141, 142, 143, 144, 145, 147, and 148, are deemed withdrawn as moot.

IT IS FURTHER ORDERED that the parties should provide the Court with their views on how best to proceed by September 7, 2012.

SO ORDERED:

Dated: New York, New York
August 30, 2012



KATHERINE B. FORREST
United States District Judge